

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5312 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHAVARLAL MANGILAL PRAJAPATI

Versus

POLICE COMMISSIONER

Appearance:

MR SK PATEL for Petitioner
Shri Kamal Mehta, AGP for the respondents

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 06/11/96

ORAL JUDGEMENT

The petitioner has challenged the order of detention passed by the detaining authority dated 11th June 1996 in exercise of powers conferred on him under sub-section 1, sec.3 of the Gujarat Prevention of Anti Social Activities Act, 1985 (hereinafter referred to as "the PASA Act"). It is alleged that some cases pertaining to offences under Indian Penal Code have been registered against the petitioner.

2. It is now well settled by the Supreme Court that

simply because some stray and casual cases have been registered, the person cannot be apprehended as a dangerous person within the meaning of sec.2(c) of the PASA Act.

3. I have perused the material on record with the assistance of the learned counsel. There is nothing material on record, which may show that the petitioner is a dangerous person within the meaning of sec.2(c) of PASA Act. In view of the aforesaid the Special Civil Application is allowed and the order of detention dated 11th June 1996 is quashed and set aside. It is directed that the petitioner shall be released forthwith if he is not required in any other case. Rule is made absolute.

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